

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN ELLIS BENSON,

Defendant.

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2:23-CR-82

REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b), I conducted a plea hearing in this case on October 15, 2024. At the hearing, Defendant entered a plea of guilty to Count One of the Indictment. He entered his plea with a plea agreement. On the basis of the record made at the hearing, I find that Defendant is fully competent and capable of entering an informed plea; the plea is made knowingly and with full understanding of each of the rights waived by Defendant; the plea is made voluntarily and free from any force, threats, or promises, apart from the promises contained in the plea agreement; Defendant understands the nature of the charges and penalties provided by law; and the plea has a sufficient basis in fact.

For these reasons, I **RECOMMEND** that Defendant's plea of guilty to Count One of the Indictment be accepted and that the Court adjudicate Defendant guilty of the charge set forth in that count. I further **RECOMMEND** that the decision of whether to accept the plea agreement be deferred until the presentence report has been prepared. Finally, I **RECOMMEND** that Defendant remain in custody pending sentencing in this matter. The parties have been advised that acceptance

of the plea, adjudication of guilt, and imposition of sentence are specifically reserved for the district judge.

Respectfully submitted,

/s/Cynthia Richardson Wyrick
United States Magistrate Judge

NOTICE TO PARTIES

You have the right to *de novo* review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than **Tuesday, October 29, 2024**. Failure to file objections within this timeframe constitutes a waiver of any further right to challenge the plea of guilty in this matter. *See* 28 U.S.C. § 636(b).